

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**TONY RAPATZ, ALICE GUERRA, and  
KATHERINE GUERRA,**

**Plaintiffs,**

**v.**

**No. 12-cv-0827 RHS/SMV**

**JOE MARTINEZ, CHRISTIAN LOPEZ,  
ROBERT VIGIL, DANNY PACHECO,  
CITY OF ESPAÑOLA EMPLOYEES AND  
SUPERVISORS JOHN/JANE DOES, and  
CITY OF ESPAÑOLA,**

**Defendants.<sup>1</sup>**

**ORDER LIFTING STAY  
AND SETTING A SECOND RULE 16 SCHEDULING CONFERENCE**

THIS MATTER is before the court sua sponte. Because the pending motion for qualified immunity [Doc. 91] has been resolved [Doc. 135], the stay of discovery is LIFTED. The Court will set a second Rule 16 scheduling conference to set new discovery deadlines.

Discovery has been stayed multiple times. Most recently, this Court stayed discovery [Doc. 92] pending ruling on Defendants Christian Lopez and Joe Martinez's Motion to Dismiss Third Amended Complaint and Qualified Immunity [Doc. 91]. The presiding judge granted the motion on September 30, 2014 [Doc. 135]; the stay is thus lifted.

The parties must submit an Amended Joint Status Report and Provisional Discovery Plan ("Amended JSR") with new proposed discovery deadlines. The parties will cooperate in preparing the Amended JSR, following the sample JSR available at the Court's web site. The

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<sup>1</sup> Defendants Joe Martinez and Christian Lopez were dismissed as parties on September 30, 2014. [Doc. 135].

blanks for suggested/proposed dates are to be filled in by the parties. Actual case management deadlines will be determined by the Court after consideration of the parties' requests. Plaintiff (or Defendant in removed cases) is responsible for filing the Amended JSR by **October 30, 2014**.

A second Rule 16 scheduling conference will be held by telephone on **November 18, 2014, at 9:30 a.m.** Parties shall call Judge Vidmar's "Meet Me" line at **505-348-2357** to connect to the proceedings. Counsel shall be prepared to discuss the following: discovery needs and scheduling, all claims and defenses, the use of scientific evidence and whether a *Daubert* hearing is needed, *see Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579, 590–92 (1993), initial disclosures, and the timing of expert disclosures and reports under Fed R. Civ. P. 26(a)(2). We will also discuss settlement prospects and alternative dispute resolution possibilities. Client attendance is not required.

**IT IS THEREFORE ORDERED, ADJUDICATED, AND DECREED** that the stay of discovery is **LIFTED**.

**IT IS FURTHER ORDERED** that the deadlines shall be as follows:

**Amended JSR filed by:**

**October 30, 2014**

**Second Telephonic Rule 16 Scheduling Conference:**

**November 18, 2014,  
at 9:30 a.m.**

**IT IS SO ORDERED.**

  
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**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**